

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TODD FRANCE,
Petitioner

v.

JASON BERNSTEIN,
Respondent

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No. 1:20-cv-01443

(Judge Kane)

ORDER

AND NOW, on this 30th day of October 2020, upon consideration of Petitioner's motion to confirm the arbitration award entered in the National Football Players Association ("NFLPA") arbitration captioned Bernstein v. France, NFLPA 19-CA-4 (Doc. No. 40) and Respondent's cross-motion to vacate the award (Doc. No. 44), and in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Respondent's motion for leave to file a sur-sur reply brief and exhibits (Doc. No. 61) in connection with his pending motion to vacate (Doc. No. 44) is **GRANTED** and the proposed sur-sur-reply (Doc. No. 61-1) and exhibits (Doc. No. 64) are deemed filed;
2. Respondent's motion for leave to file exhibits under seal (Doc. No. 62) is **DENIED**;¹
3. Respondent's motion to vacate the arbitration award (Doc. No. 44) is **DENIED**;
4. Petitioner's motion to confirm the arbitration award (Doc. No. 40) is **GRANTED**;
5. The arbitration award entered in the arbitration captioned Bernstein v. France, NFLPA 19-CA-4 (Doc. No. 43-1) is **CONFIRMED**;

¹ Respondent submits that the exhibits (Doc. No. 64) were produced during discovery in a separate action at Clarity Sports Int'l LLC v. Redland Sports, 1:19-cv-00305-YK (Doc. No. 62). Although there has been no protective order entered in that case, Respondent moved for leave to file the exhibits under seal. (*Id.*) However, as the Court's review of Respondent's motion and the exhibits demonstrates that the requisite showing required by In re Avandia Mktg., Sales Practices & Prods. Liability Litig., 924 F.3d 662 (3d Cir. 2019), regarding the justification for sealing court records has not been made, the Court will deny the motion to seal (Doc. No. 62).

6. The Clerk of Court is directed to enter judgment in favor of Petitioner and against Respondent; and
7. The Clerk of Court is directed to **CLOSE** the above-captioned action.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania